

APL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,022	11/13/2001	Kirstan Anderson Vandersluis	XAW-0101C	1491

7590 12/01/2004

Law Office of Dale B. Halling
Suite 311
24. S. Weber St.
Colorado Springs, CO 80903

EXAMINER

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/011,022

Applicant(s)

VANDERSLUIS, KIRSTAN
ANDERSON

Examiner

David Y Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/13/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS PRESENTED

Claims 16-38 are presented.

Continued Examination Under 37 CFR 1.114

A request for continued examination of this application under 37 CFR 1.114 has been received.

Response to Arguments

No new arguments were filed with the RCE. Applicant's arguments filed before the RCE have been fully considered but they are not persuasive.

Applicant's arguments are hereby responded again.

DDF:

One of the issues that Applicant continues to raise appears to be that of DDF. As noted in the specification, DDF can refer to either data definition file or document definition file. Data definition file is well known prior art. For example, SQL uses such data definition file. As noted in the specification of this application, document definition file is another manifestation of the very same concept that produced the data definition file – document is a type of data. Such would naturally be used during an integration of XML and SQL. Today, such integration is well known. Various types of integration servers are available from vendors such as Sun Microsystems and Microsoft.

Date of Invention:

Therefore, the question is whether such DDF (both for non-document and for document) were well known in the context of the claimed invention at the time of the claimed invention. The earliest filing date for this application and its parents is March 9, 1998. On that date, the provisional application 60/077,259 was filed. In that provisional application, a document dated January 22, 1998 was included. If one assumes that this date is reliable, this date (January 22, 1998) is the earliest date that can possibly accorded at this time.

Analysis:

What was the state of the art at the time of January 22, 1998? DDF was well known. DDF existed at least from the time of SQL -- which was well known decades before this date. Furthermore, XML existed. XML is considered an improvement (mainly by simplification) over SGML and HTML -- so as to adapt to the current communication and data transfer situation. What was well known as the current communication and data transfer? Even before the Internet (which made XML so popular), EDI based on data transfer among databases was well known. Such types of EDI naturally used SQL and thus used DDF. With the coming of the Internet, the database companies adopted the Internet and fully complied with the standards. Thus, the use of DDF with XML was taught by the prior art.

Art Unit: 2134

Applicant argues that DDF is not DTD. This is true. Nevertheless, the Office does not assert that DDF is DTD. The Office asserts that DTD is one of the considerations that one considers when implementing integrations that involve SQL and XML. How would it not? DDF and DTD both concern (at variously different moments and different situations) data format. Thus, they properly concern the issues that were discussed in the file history of this application.

Therefore, Applicant's arguments are not yet persuasive and the claims are not yet considered patentable.

Non-finality

While no amendments were presented with the RCE, the Office acknowledges that the response to arguments could have been more extensive prior to this Office Action. Thus, due to concerns of equity, this Action is made non-final.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.heise.de/ix/artikel/E/1997/06/106 (hereinafter also referred as "Macherius") and hyper.sunjapan.com/cn/~hz/win32/styles3 (hereinafter also referred as "Windows").

Claims 16, 29, 34 are independent claims. The other claims are dependent claims.

Regarding claim 16, Macherius teaches A system for converting data from one or more systems into a hierarchical data scheme scheme (Macherius, first paragraph i.e. XML, which handles hierarchical data), comprising:

a) a user-defined document definition file, which is identified by a unique name and defines a list of parameters, and is a hierarchically organized set of elements, each element comprising an element type, , a text value, a list of attributes and a list of child elements (Macherius, first paragraph i.e. XML, which handles hierarchical data); and

b) a module that accepts a request from a ..., the request including the unique name of a document definition file and a parameter name with corresponding value; upon receiving the request, the module reads the document definition file, visits each element and replaces a reference to a parameter, element or attribute with an actual value; and returns a data file to the ... (Macherius, section Instances: tree instead of file, i.e. XML parser).

These passages of Macherius do not teach "requesting system" that handles such hierarchical data scheme. The requesting system of the claimed invention may refer to an operating system (such as Windows) that would request such. For example,

Art Unit: 2134

a browser (such as Explorer) that functions within Windows may need to handle an XML file, thus may need to request.

Windows teaches "hierarchical data server (section Window Hierarchy, i.e. Windows, e.g., parent/child relationships; also Abstract, i.e. Windows operating system which handles servers and hierarchical relationships)" for the motivation of effective "displaying information (section Window Hierarchy)."

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Macherius and Windows for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 29, Macherius teaches "A system for converting data into a hierarchical data scheme (Macherius, first paragraph i.e. XML, which handles hierarchical data), comprising:

a ... coupled to a client and coupled to a server (Macherius, first paragraph, i.e. XML, which is used in client/server situations); and

a document definition file capable of being processed by the ... (Macherius, first paragraph, i.e. XML which handles such ddf) "

These passages of Macherius do not teach "hierarchical data server."

Windows teaches "hierarchical data server (section Window Hierarchy, i.e. Windows, e.g., parent/child relationships; also Abstract, i.e. Windows operating system which handles servers and hierarchical relationships)" for the motivation of effective "displaying information (section Window Hierarchy)."

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Macherius and Windows for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 34, Macherius teaches "A method of converting data into a hierarchical data scheme, (Macherius, first paragraph i.e. XML, which handles hierarchical data), comprising the steps of:

a) receiving a request from a client at a ... for a plurality of data from an enterprise system (Macherius, first paragraph, i.e. XML, which is used in client/server situations);

b) executing a document definition file associated with the request at the ... (Macherius, first paragraph, i.e. XML which handles such ddf); and

c) returning a data file to the client (Macherius, first paragraph, i.e. XML, which is used in client/server situations)."

These passages of Macherius do not teach "hierarchical data server."

Windows teaches "hierarchical data server (section Window Hierarchy, i.e. Windows, e.g., parent/child relationships; also Abstract, i.e. Windows operating system which handles servers and hierarchical relationships)" for the motivation of effective "displaying information (section Window Hierarchy)."

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Macherius and Windows for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 17 (XML, SGML, etc.), 18 (command, etc.), 19 (parameter, etc.), 20 (graphical tree, etc.), 21 (execution, etc.), 22 (software, etc.), 23 (value, etc.), 25 (operation, etc.), 26 (conditional, etc.), 27 (join, etc.), 28 (path, etc.), such features are well known in the art for the motivation of effective execution of data. For example, Macherius (e.g., XML) and Windows (e.g., its hierarchical system) suggest these features.

Regarding claims 30 (authoring, etc.) 31 (name, etc.) 32 (type, etc.), 33 (attributes, etc.) such features are well known in the art for the motivation of effective execution of data. For example, Macherius (e.g., XML) and Windows (e.g., its hierarchical system) suggest these features.

Regarding claims 35 (name, etc.) 36 (parameter, etc.), 37 (value, etc.), 38 (graphical tree, etc.) such features are well known in the art for the motivation of effective execution of data. For example, Macherius (e.g., XML) and Windows (e.g., its hierarchical system) suggest these features.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

Patent Examiner

11/29/04

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line that ends in a small hook.